

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TruePosition, Inc.)	
)	
Plaintiff/)	
Counterclaim-Defendant,)	C.A. No. 05-747 (SLR)
)	
v.)	
)	
Andrew Corporation,)	
)	
Defendant/)	
Counterclaim-Plaintiff.)	
)	

**EXPERT REPORT OF BRIAN G. AGEE, PH.D., P.E.
RESPONSE TO DR. DAVID GOODMAN'S REPORT ON THE VALIDITY
OF U.S. PATENT NO. 5,327,144**

especially the outlying receivers in the network. That person would need to measure and remove site biases in the receiver cables and hardware, as is taught in Col. 12, ll 9-13 of the 144 Patent. Taken together, these refinements violate the undue experimentation requirement for the first embodiment of the Kono system to be enabling.

3.3.3 Opinions Relating To Kono Being No More Pertinent Than the Prior Art Considered During Examination of the 144 Patent

In my expert opinion, the prior art considered during the examination of the 144 patent teaches the same material disclosed in Kono, in much greater detail than Kono, and is therefore just as pertinent to the 144 patent as Kono, if not more pertinent. In particular, three of the patents considered during the 144 Patent prosecution, and one of the patents cited by the U.S. Patent Office in its Office Action during this Prosecution (the 618 Patent), teach every element of the subject matter disclosed in Kono.

A listing of Prior Art that teaches key elements of the system taught by Kono is provided in Table 3-6 below. In each case, I have considered whether the prior art teaches the following elements of Kono:

- collection of mobile signals by a multipoint collection network joined by a central node, e.g., a cellular telephone network;
- transmission of a “unique signal” from the network (either a signal unique to the transmission channel, the location function, or the mobile unit);
- transmission of that signal over a “common” or “shared” reverse transmission channel; and
- geolocation of remotes using a “time based” method — one that either measures the time-of-arrival of a signal at each collector (the mode taught in Kono), or that measures time-of-flight to each collector.

As this Table shows, each key element of Kono is taught by several of these prior art references. And, three of the prior art references, including the 618 patent cited by the Examiner, teaches every key element of Kono.

Table 3-6: Prior Art Examined By the USPTO During the 144 Patent Prosecution that is as Pertinent as Kono

Prior Art	Reference	Multipoint collect network	Unique location signal	Common/shared channel	Time-based geo
R. Fuller, R. Kaye, J. Oliver, W. Reed, “Surface Vehicle Fleet Command and Control System,” U.S. Patent No. 3,646,580	580 Patent	✓	✓		✓
J. Wanks, “Remote Controlled Tracking Transmitter and Tracking Support System,” U.S. Patent No. 4,596,988	988 Patent	✓	✓		
W. Sagey, H. Lind, C. Lind, “Vehicle Location System,” U.S. Patent No. 4,740,792	792 Patent	✓	✓	✓	✓
E. Rackley, “Stolen Object Location System,” U.S. Patent No. 4,472,357	357 Patent	✓	✓		
S. Apsell, N. Stapelfeld, “Method of and System and Apparatus for Locating and/or Tracking Stolen or Missing Vehicles and the Like,” U.S. Patent No. 4,818,998	998 Patent	✓	✓	✓	
E. Sheffer, “Vehicle Location System,” U.S. Patent No. 4,891,650	650 Patent	✓			✓
D. Gray, H. Gendler, “Stolen Vehicle Recovery System,” U.S. Patent Number 5,003,317	317 Patent	✓	✓		
W. Sagey, “Cellular Telephone Service Using Spread Spectrum Transmission,” U.S. Patent No. 5,218,618	618 Patent	✓	✓	✓	✓
G. Russell, J. Chadwick, J. Bricker, “Vehicle Location System Having Enhanced Position Location Processing,” U.S. Patent No. 5,166,694	694 Patent	✓	✓	✓	✓